

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TAMMI MICHELLE MOSELEY	§ § § § § § §	PLAINTIFF
v.		Civil No. 1:21cv201-HSO-LGI
COMMISSIONER OF SOCIAL SECURITY		DEFENDANT

**ORDER ADOPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION [13] AND REMANDING
TO COMMISSIONER OF SOCIAL SECURITY**

BEFORE THE COURT is the Report and Recommendation [13] of United States Magistrate Judge LaKeysha Greer Isaac entered on June 17, 2017. The Magistrate Judge recommended that that this matter be remanded to the Commissioner of Social Security for further proceedings. *See* R.&R. [13] at 11 (filed restricted access). No party has objected to the Report and Recommendation [13]. After review of the record and relevant law, the Court finds that this matter should be remanded for further proceedings consistent with the Report and Recommendation [13].

I. BACKGROUND

On or about January 29, 2020, Plaintiff Tammi Michelle Moseley (“Plaintiff” or “Mosely”) filed an application with the Social Security Administration for disability and disability insurance benefits. *See* R. [6] at 146 (filed restricted access). The Administrative Law Judge (“ALJ”) concluded that Plaintiff was not disabled under the Social Security Act. *See id.* at 23. Plaintiff sought Appeals

Council review of the ALJ's decision, which the Appeals Council denied. *See id.* at 6.

Plaintiff filed a Complaint [1] in this Court seeking judicial review pursuant to 42 U.S.C. § 405(g). The Magistrate Judge entered a Report and Recommendation [13] that the case be remanded for further proceedings, including for the ALJ to make a finding as to "whether Plaintiff's post-amended onset work activity was an unsuccessful work attempt." R. & R. [13] at 11 (filed restricted access). No party has objected to the Report and Recommendation [13], and the time for doing so has passed. *See* L.U. Civ. R. 72(a)(1)(A).

II. DISCUSSION

Where no party has objected to a Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). When there are no objections, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted this required review, the Court concludes that the Report and Recommendation [13] is neither clearly erroneous nor contrary to law. The Court will adopt the Magistrate Judge's Report and Recommendation [13] as the opinion of this Court and remand this matter for further proceedings.

III. CONCLUSION

IT IS, THEREFORE, ORDERED AND ADJUDGED that, United States Magistrate Judge LaKeysha Greer Isaac's Report and Recommendation [13] entered on June 17, 2022, is **ADOPTED** as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, this matter is **REMANDED** to the Commissioner of Social Security for further proceedings consistent with United States Magistrate Judge LaKeysha Greer Isaac's Report and Recommendation [13] entered on June 17, 2022. This Court will enter a separate final judgment pursuant to Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 19th day of July, 2022.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE